

## REMARKS

In accordance with the foregoing, claims 18-22 are canceled without prejudice or disclaimer. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 3-8, 12, 14-16 and 23-29 are pending and under consideration. Reconsideration is respectfully requested.

### Entry Of Response Under 37 C.F.R. §1.116

Applicant requests entry of this Rule 116 Response and Request for Reconsideration because the cancellation of claims 18-22 places the application at least into a better form for appeal. No new features or new issues are being raised. The Manual of Patent Examining Procedures (MPEP) sets forth in §714.12 that:

[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered.

(Underlining added for emphasis)

Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The MPEP further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

### Finality of Current Action Should Be Withdrawn

Applicant filed a Response on June 12, 2006 (previous Response) to the Office Action mailed January 12, 2006 (previous Action). As set forth in MPEP §707.07(f) entitled Answer All Material Traversed:

an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.

Applicant respectfully submits that the current Action is incomplete since the Examiner has not responded to the Applicant's arguments traversing the rejections.

The Examiner issued a Final Office Action on September 8, 2006 (current Action) rejecting claims 12, 14-16 and 26-28 under 35 U.S.C. §103(a) as being unpatentable over Kikuchi et al. (U.S.P. 5,584,022) in view of Davis et al. (U.S.P. 5,918,229).

In Response, Applicant traversed the 35 U.S.C. §103(a) rejection arguing that Kikuchi, alone or in combination, does not teach that an application address is given to the directory as recited by independent claim 12, for example. By contrast, Kikuchi merely teaches location addresses of the enciphered files and cipher key enciphering these files are stored in

the directories.

In the current Action, the Examiner supports the rejection indicating:

In response to applicant's argument, page 8, lines 5-25, that "Kikuchi alone or in combination does not teach an **application . . . directory** as recited by independent claim 12 according to the present invention." The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art . . . Kikuchi fails to explicitly disclose a plurality of directories corresponding to the plurality of applications independently of whether a directory in the directory structure is a subordinate directory or a highest directory. However, Davis discloses a plurality of directories corresponding to the plurality of applications independently of whether a directory in the directory structure is a subordinate directory or a highest directory. . . Thus, the combination of Kikuchi and Davis discloses the claimed invention.

(Emphasis added, Action at page 5).

That is, the Examiner's merely repeats assertions from the previous Action and does not respond to Applicant's argument directed to an application "address" being given to the directory.

Rather, the Examiner appears to specifically ignore responding to this argument by use of ellipsis points on page 5, line 2 ". . . " instead of the feature "address."

As set forth in MPEP § 706.07(d):

(i)f, on request by applicant for reconsideration, the primary examiner finds the final rejection to have been premature, he or she should withdraw the finality of the rejection.

Accordingly, Applicant requests that the finality of the present Action be withdrawn and another Action be issued including a complete response to the Applicant's arguments and with the due date accordingly reset.

#### **Page 4: Allowable Subject Matter**

Claims 1, 3-8, 23-25, and 29 are allowed. Applicant appreciates the indications of allowable subject matter.

#### **Pages 2-4: Rejection Of Claims 12, 14-16 AND 26-28 Under 35 U.S.C. §103(a) As Being Unpatentable Over Kikuchi Et Al. (U.S.P. 5,584,022) In View Of Davis Et Al. (U.S.P. 5,918,229)**

The Examiner rejects claims 12, 14-16 and 26-28 under 35 U.S.C. §103(a) as being unpatentable over Kikuchi in view of Davis. The rejections are traversed.

Independent claim 12 recites an apparatus including "a directory structure, in the computer-readable storage, comprising a plurality of directories corresponding to the plurality of applications independently of whether a directory in the directory structure is a subordinate

directory or a highest directory, wherein, in the computer-readable storage, information of the application addresses are given directly to the directories of the directory structure, respectively, the application address information identifying the applications, respectively, where the applications are needed for corresponding data files, and where the data files are organized and stored in the computer-readable storage using the directories of the directory structure, wherein one of the plurality of applications is needed when one of the data files is selected. (emphasis added) "

Applicant submits that features recited by independent claim 12 (and dependent claims) are not taught by the cited art, alone or in combination. As recited by independent claim 12:

1) "information of the application addresses are given directly to the directories,"

2) "the applications are needed for corresponding data files," and

3) "the data files are organized and stored in the computer-readable storage using the directories of the directory structure." (Emphasis added).

To the contrary, Kikuchi (as disclosed in col. 9, lines 15-22 and cited by the Examiner) merely teaches:

[T]he directory structure unit 31 is written with the storage location addresses of each of the enciphered files.

(Emphasis added.)

Further, Kikuchi (as disclosed in col. 3, lines 35-39 and cited by the Examiner) teaches that "(e)ach file is stored in one of directories," and (col. 3, lines 54-67) teaches that "the directory IDn stores the cipher keys."

However, according to Kikuchi (see, col. 3, lines 48-53):

[T]he files F11 and F12 are both enciphered by the cipher key K1.

(Emphasis added).

That is, Kikuchi, alone or in combination, does not teach an application address is given to the directory as recited by independent claim 12 according to the present invention.

Rather, Applicant submits that according to the teachings of Kikuchi, merely the location addresses of the enciphered files and cipher key enciphering these files, are stored in the directories.

The Examiner's assertions on page 5, i.e., "In response to applicant's argument, page 8, lines 5-25, that "Kikuchi alone or in combination does not teach an **application . . . directory** as

recited by independent claim 12 according to the present invention. (Emphasis added)" do not support a rejection regarding application "addresses".

I. Assuming *arguendo* that the Examiner considers that the files F11, F12 of Kikuchi correspond to the "data files" as recited by claim 12 of the present invention, then it follows that the cipher key K1 of Kikuchi should correspond to the "applications" as recited by claim 12 of the present invention.

However, in this *arguendo* case, according to Kikuchi, the cipher key, itself, and not a location address thereof is stored in the directory.

II. On the other hand, assuming *arguendo* that the Examiner considers that the files F11, F12 of Kikuchi correspond to the "applications" as recited by claim 12 of the present invention, then it would follow that the cipher key K1 of Kikuchi should correspond to the "data file" as recited by claim 12 of the present invention.

However, based on this assumption, since, according to the recitations of the claim 12 of present invention, the "application" is needed for a corresponding "data file," it would follow that the files F11, F12 disclosed should be needed for the cipher key K1, which is not the case.

That is, Kikuchi, alone or in combination, does not teach an application address is given to the directory as recited by independent claim 12 according to the present invention.

### Summary

Since features recited by independent claim 12 (and dependent claims 14-16 and 26-28) are not taught by the cited art, alone or in combination, and *prima facie* obviousness is not established, the rejection should be withdrawn and claims 12, 14-16 and 26-28 allowed.

### CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art.

Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney

for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: Paul W. Bobowiec  
Paul W. Bobowiec  
Registration No. 47,431

1201 New York Ave, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501